

U.S. PATENT & TRADEMARK OFFICE  
AUG 18 2004  
**DECLARATION AND POWER OF ATTORNEY  
FOR PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

APPARATUS AND METHODS FOR MODULATING REFRACTIVE INDEX  
the specification of which

(check [ ] is attached hereto  
one)

[X] was filed on October 24, 2003 as  
Application No. 10/692,522 and  
was amended on                           .  
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I do not know and do not believe that the invention was ever patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to this application.

I do not know and do not believe that the invention was in public use or on sale in the United States of America more than one year prior to this application.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known by me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority  
Claimed

(Number)	(Country)	(Day/Month/Year Filed)	[ ]	[ ]
			Yes	No
(Number)	(Country)	(Day/Month/Year Filed)	[ ]	[ ]
			Yes	No

I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional application(s) listed below.

60/421,617                   October 25, 2002  
 (Application No.)               (Filing Date)

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known by me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)
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(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)
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As a named inventor, I hereby appoint the following attorneys or agents to prosecute this application and transact all business in the United States Patent and Trademark Office connected therewith:

Robert W. Morris, Esq. (Req. No. 36,613)
Edward M. Arons, (Req. No. 44,511)
Philip R. Poh, (Req. No. 51,176)

Send correspondence to: Philip R. Poh  
FISH & NEAVE  
1251 Avenue of the Americas  
New York, New York 10020-1104

Direct telephone calls to: Philip R. Poh  
(212) 596-9000

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor Raymond T. Westfall

First Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_

Residence 13531 90th Terrace North, Seminole, Florida 33776

Citizenship USA

Post Office Address 13531 90th Terrace North, Seminole, Florida 33776

Full name of second joint inventor Howard P. Groger  
Second Inventor's signature Howard P. Groger Date March 31, 2004

Residence 4004 NW 14th Place, Gainesville, Florida 32605

Citizenship USA

Post Office Address 4004 NW 14th Place, Gainesville, Florida 32605



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Prior Foreign Application(s)

<u>Priority Claimed</u>	<input type="checkbox"/>	<input type="checkbox"/>		
<u>(Number)</u>	<u>(Country)</u>	<u>(Day/Month/Year Filed)</u>	Yes	No
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Full name of first inventor Raymond T. Westfall  
First Inventor's signature Raymond J. Westfall 8/10/04  
Date

Residence 13531 90th Terrace North, Seminole, Florida 33776  
Citizenship USA  
Post Office Address 13531 90th Terrace North, Seminole,  
Florida 33776

Full name of second joint inventor Howard P. Groger  
Second Inventor's signature \_\_\_\_\_  
Date

Residence 4004 NW 14th Place, Gainesville, Florida 32605  
Citizenship USA  
Post Office Address 4004 NW 14th Place, Gainesville, Florida  
32605